

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, DC

RECEIVED

JAN 17 1997

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of)
)
Amendment of Section 202(b),)
Table of Allotments,) RM-
FM Broadcast Stations)
(Riley, Kansas))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Donald Law, by its attorney, hereby requests that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Riley, Kansas	---	242C3

In support thereof, the following is stated:

Attached hereto is a Technical Statement which demonstrates that Channel 242C3 can be allotted at 39° 16' 40" N, 96° 40' 50" W, which will prevent any shortspacing from occurring with any currently authorized or proposed facility.

Adoption of this proposal will be in the public interest. As demonstrated in the Technical Statement, approval of this proposal will allow Donald Law to provide new service to the public in Riley Kansas. Donald Law will apply for the allotment at such time as this proposal is adopted.

No. of Copies rec'd
List ABCDE

Atty
MMB

Accordingly, Donald Law respectfully requests that this Petition be adopted, that the Commission amend the FM Table of Allotments to specify Channel 242C3 at Riley, Kansas, and that the Commission request comment on the proposal contained herein.

Respectfully submitted,

DONALD LAW

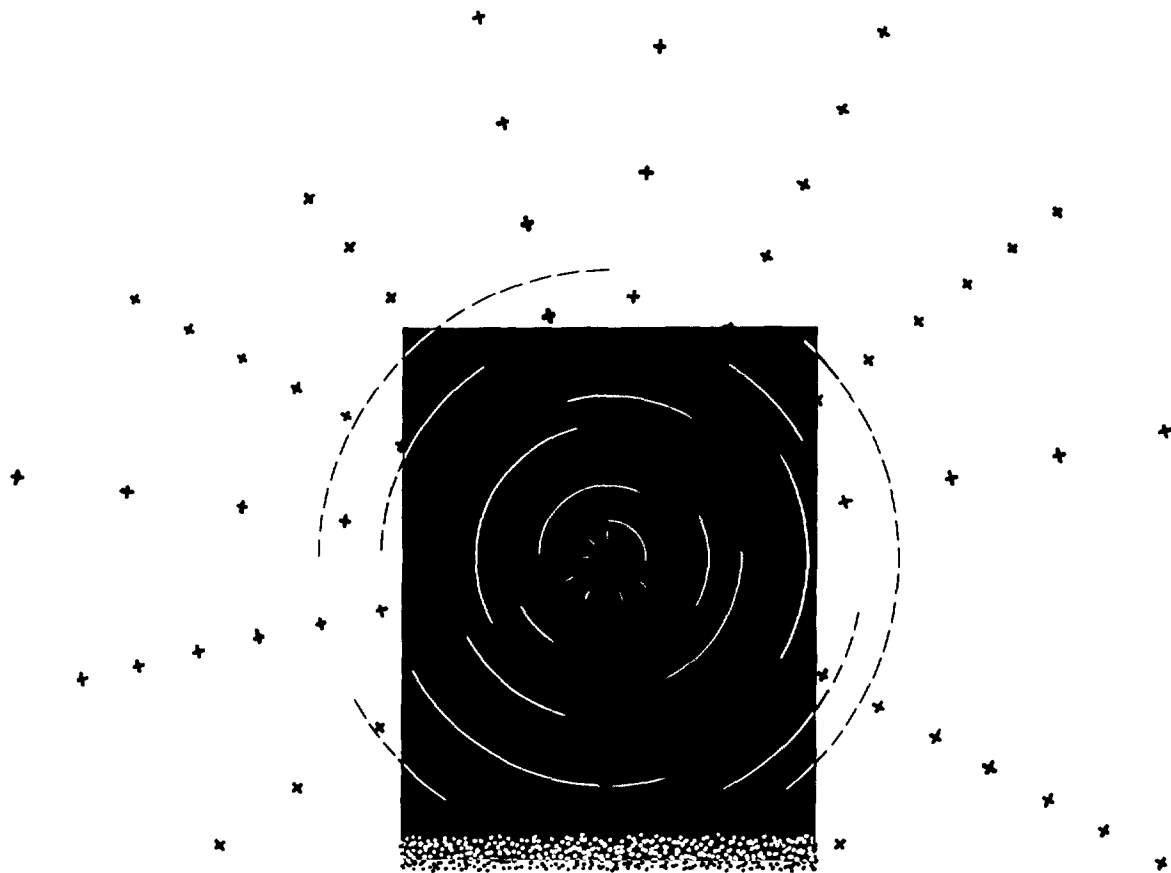
By:

Dan J. Alpert

Its Attorney

The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Suite 400
Arlington, VA 22201
(703) 243-8690

January 17, 1997



WHEELER BROADCAST CONSULTING

Donald Law

Petition for Rule Making

Petition to:

**Amend 47 CFR 73.202(b)
Allocate a New Commercial FM Broadcast Station
Channel 242 C3
Riley, Kansas**

December - 1996



WHEELER BROADCAST CONSULTING

Engineering Statement

This consultant has been retained by Donald Law for the purpose of preparing this engineering statement in support of a Proposed Rule Making to amend the FM table of allotments, 47 CFR 73.202 (b), by adding channel 242 C3 to Riley, Kansas as its first local service.

The coordinates of Riley, Kansas are listed in the National Atlas of the United States of America as follows:

39° 17' 54" N. Latitude

96° 49' 42" W. Longitude

Exhibit 1, included in this report, is a study of the Commission's December 27, 1996 FM database which indicates that Channel 242 C3 can be allocated to Riley with the imposition of a 12.94 km, East site restriction so as to clear the co-channel Class C3 allocation proposed for Cawker City, KS in RM-8874.

Suitable coordinates for the purposes of allocation, determined by selecting the point nearest to Riley, Kansas to which the minimum spacing requirements of 47 CFR 73.207 are met, would be:

39° 16' 40" N. Latitude

96° 40' 50" W. Longitude

6025 MARTWAY
SUITE 112
MISSION, KS 66202
913.362.7282
913.362.7287

Exhibit 2, also included in this report, is a digitally generated map which was created by data extracted from USGS & NGDC files that depicts the open area in which a transmitter could be located and also demonstrates that the proposed facility, from the reference coordinates would be in complete compliance with the principal community coverage requirements of 47 CFR 73.315. Contours were predicted via a digital algorithm that mirrors the Commission's own algorithm and were based on a study of 360 equally spaced radials.

Riley, Kansas

Riley, Kansas is a recognized municipality that is located in Riley County, Kansas. The population of Riley is 804 persons according to the 1990 US census¹. Riley has its own zip code, 66531, and is an independent community that is eligible for service under the Commission's criterion.

Conclusion

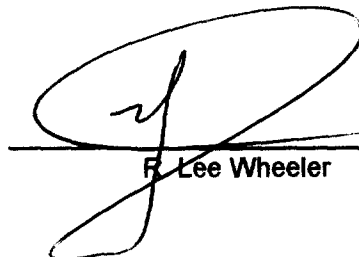
Riley, Kansas is a community deserving of its first local service and the allocation proposed in this Rule Making would provide that service. It is therefore respectfully requested that 47 CFR 73.202(b) be amended as follow:

Community	Present Allocation	Proposed Allocation
Riley, KS	-----	242 C3

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

12/31/96
Date


R. Lee Wheeler

¹ Census data was gathered from the United States Census Bureau's World Wide Web page at <http://www.census.gov>.

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

Donald Law
Riley, Kansas

REFERENCE	CLASS C3	DISPLAY DATES
39 16 40 N		DATA 12-27-96
96 40 50 W	Current rules spacings	SEARCH 12-31-96
----- CHANNEL 242 - 96.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)	
AD242	242C3	Cawker City	KS	280.2	153.01	153.0	0.01	<
AD	39 30 30	98 25 54	0.000 kW	0M	95.1	95.1		
	Ruby J. Hoeflicker				RM8874		960802	
KRZZFM	242C2	Derby	KS	197.9	181.82	177.0	4.82	
LI CN	37 43 06	97 19 05	50.000 kW	150M	113.0	110.0		
	New West Radio, Inc.				BLH900509KC			
KXTR	243C	Kansas City	MO	98.1	190.17	176.0	14.17	
LI CY	39 00 57	94 30 24	100.000 kW	300M	118.2	109.4		
	Robert P. Ingram				BLH870427KC			
KEFM	241C	Omaha	NE	10.8	202.84	176.0	26.84	
LI CN	41 04 15	96 13 30	100.000 kW	430M	126.1	109.4		
	Webster Communications Compan				BLH950719KA			
KTPK	295C	Topeka	KS	112.8	71.74	31.0	40.74	
LI CN	39 01 34	95 54 58	100.000 kW	369M	44.6	19.3		
	Topeka BroadComm, Inc.				BLH861014KA			

